

DISTRICT V ADVISORY BOARD—DISTRICT V

Minutes October 2, 2000

The District V Advisory Board meeting was held at 7:00 p.m. at the Westlink Christian Church, Tenth Street & Tyler Road.

Members Present

David Almes
Bob Bulman
Maurice Ediger
Fran Hoggatt
Andy Johnson
Vince Miller
Texanita Randle
Bob Sorenson

City Staff

Gene Rath, Public Works
Dana Brown, City Manager's Office

In Council Member Martz's absence, **Chair Pro-Temp Fran Hoggatt**, called the meeting to order at 7:03. Hoggatt noted that the item scheduled for the Board's recommendation for placing a bridge over the floodway (MIS) would be moved as needed to allow time for Council Member Martz's arrival.

The minutes of the September 11, 2000 meeting were approved with the following corrections:

- Attendance: David Almes did not attend; Sean Cash and David Dennis.
- Under *Unfinished Business* (Agenda Item #7), replace Almes with Dennis.
- Under *Next Meeting* (Agenda Item #12), replace Almes with Dennis.

Public Agenda

1. No citizens were in attendance to present items for the Public Agenda.

Planning Agenda

2. No Planning requests were presented.

Public Works Agenda

3. **Proposed Project for Sanitary Sewer, west of 135th Street West, north of Kellogg**
Gene Rath, PW Engineering, presented the following information regarding the proposed project: The area is designated as an improvement district and belongs to two (2) property owners. A petition signed by one property owner who represents 89.6% of the area has been received in support (map attached). The estimated project cost is \$52,000 with the total assessed to the improvement district. The proposed method of assessment is use of the fractional basis resulting in an estimated assessment of \$8,700 per lot to the properties.

Dennis noted that the property owner who owns approximately 10% of the land area is being assessed according to his ownership of one of the six parcels, or one-sixth of the cost. Using the fractional basis assessment causes the property owner to be assessed for 16.6% of the project costs, even though his portion of the land area is only 10%.

Dennis asked if the property owner would be allowed to opt out of the project, if desired.

Rath stated that the Council could make the decision but the City prefers to construct for the entire area when the opportunity exists due to the eventual need for sewer.

Bulman stated that it doesn't seem fair to the property owner, if opposed, due to the unequal assessment compared to the area of property owned. **Rath** responded that the City Council has the authority to change the assessment. **Bulman** noted that it would be fairer to base the assessment on square foot area owned.

Hoggatt asked if the property owner wants the sewer service. **Rath** stated staff had talked with the property owner but they weren't certain he understood.

Sorenson noted that the assessment is figured over a fifteen-year period, making the total affordable but **Bulman** stated that he still was opposed due to the conflict of using square foot of the area versus lot portion of the total lots in the designated area. **Rath** explained that the proposed fractional method of assessment was based on the estimated cost of what it would cost to extend a line in the future if it were not constructed at this time. He said that the engineering firm that prepared the petition proposed the 1/6 share of the total cost, thinking it would result in a lesser total assessment compared to the cost of a stand-alone project in the future. However, **Rath** stated that had City staff been asked to prepare the petition, the square footage method of assessment would likely have been used.

Cash asked if the property owner of the one lot would have another chance to oppose the project. **Rath** stated that typically once the City Council approves the project, the City moves forward on it. However, another process does exist for opposition after Council approval. **Dennis** noted that the property owner was already given the opportunity to oppose through the notification and the discussion with staff. A general discussion followed regarding the question of whether the property owner was given fair opportunity to voice opposition.

The motion was made by **Dennis (Bulman)** to recommend approval of the project with a change in the assessment basis from lot portion to square feet owned. Motion passed 9-1 (Almes opposed).

Action: Recommend approval of the project with a change in the assessment method to base on square feet of property owned instead of number of total lots owned.
Motion passed 9-1.

Traffic Agenda

No items submitted.

New Business

4. OCI Staff Presentation

Staff presentation by OCI on Neighborhood Codes was postponed due to missed communication regarding a change in meeting location.

Board Agenda

5. Community Police Report

No officers were present due to missed communication regarding a change in meeting location.

6. Update on Cowskin Basin Flood Mitigation Study

Chair Pro-temp Hoggatt stated that fourteen homeowners in the Dell Subdivision have expressed interest in preserving the large lot flooded in the October 31, 1998 flood. In addition to several other properties in the Dell, the lot is being “bought out” by FEMA and will become City property with the agreement that the property cannot be built on nor sold. However, the City could lease the property for a specific purpose.

Chair Pro-temp Hoggatt further explained that the homeowners have agreed to maintain the existing gazebo and tennis courts. The proposal would be a “win/win” for both the City and the property owners as they would retain use of the area and the City would not be responsible for mowing maintenance, an ongoing expense to the taxpayers for lots and parks. The City could, however, purchase park equipment for the lot requiring only a one-time expenditure versus a continuous maintenance expense.

(Additional information provided later by Council Member Martz included a need to rebuild a connection with the non-functioning homeowner association in the Dell. Activating the association could provide benefits for both the homeowners and the City. Council Member Martz asked for any Board Member who was interested in working with the Dell residents to contact him. He also noted that Joe McLellan, District V appointment to the Park Board, could assist as well as staff in Law and Public Works.)

Action: Received and filed.

Unfinished Business

7. Bridge over the Floodway (MIS Update)

Pro-temp Chair Hoggatt noted the previous meetings in which study information had been presented, noting that all Board Members had been given several opportunities to become informed on the issue as well as sufficient time to consider.

Bulman stated that he had received invitations to the recent District VI Advisory Board meetings through registering on the sign-in sheet at the public information meeting at the Zoo Education Building on August 23, 2000. Due to interest in considering all perspectives of

the issue, he had attended the meetings. He shared several perspectives noted in the meetings as follows:

- Study information conflicts with the understanding of the recommendation in the Comprehensive Plan.
 - Growth projected by the consultants does not follow the perceived recommendation to limit growth; no recommendation is made for limiting growth.
 - Current trend is also to allow growth, again conflicting with the recommendation.
- Concerned that the expansion of 13th Street will continue into the Riverside area, changing the character.
- Questioned the information provided by the consultant
- With a bridge at 13th Street, traffic would diminish past West Street; information was not clear that the decreased traffic would be due to alternate routes being utilized.
- Average number of trains per day that cross 13th Street was given as two (2); perspective affected by increases during harvest season (none cross on Sunday).
- 13th Bridge would disrupt the neighborhood between the floodway and Zoo Boulevard, especially for Presbyterian Manor. Traffic access would be hindered and safety would be a concern for a pedestrian tunnel for residents of Presbyterian Manor.
- Most of the residents in attendance who would be affected by the construction of a bridge at any considered street expressed the “not-in-my-backyard” opposition.
- One DAB VI Board Member stated that when a city is faced with the inevitable, do it. The issue was raised five years ago and will continue to come up. It is unfair to the property owners who could be displaced to keep them in limbo.

Bulman suggested that two decisions need to be made: one recommendation to build or not and, a second recommendation for specific site(s). He stated that based on the study information, he believed a bridge was needed now and another will be needed soon.

Dennis read a response statement of his perception of how the decision-making process had been conducted thus far, including the following points:

- The Board Members had listened to the study data, remaining open to the information and refraining from making a decision.
- The City had contracted with experts in the area who collected data based on facts and provided that information to the public with consideration of alleviating traffic congestion and use of public dollars.
- Most citizens who have expressed opposition have loudly argued against facts presented by those with expertise in researching, identifying, and evaluating possible alternatives.
- The citizens who have expressed support for identifying and building the “best” have spoken quietly through one-on-one discussions and written support.

Cash made a motion to support the need for a bridge over the floodway. Motion carried 9-0.

Discussion then continued about various aspects of the issue. **Sorenson** voiced agreement with Dennis’ statement but noted that he still felt some division due to the feelings expressed by the opponents who live east of the floodway. **Cash** asked for clarification on whether the congestion was caused by only the east-west traffic, or was it also impacted by traffic exiting and entering I-235. Several Board Members responded that the study reported the congestion

was caused by both and **Miller** specified that the study reported that traffic on Zoo Boulevard was 60% drive-through and 40% exiting/entering I-235. **Cash** noted that the study had indicated that two (2) bridges would be needed to accomplish even a "C/fair" grade. He also had concerns about the elevation at 21st Street and the expense involved to site a bridge there.

Miller moved that a recommendation be made to build bridges at 13th Street and at 25th Street to 29th Street. **Bulman** stated that he would like to amend the motion to make the 13th Street bridge a priority. He felt that if 25th were available today, it wouldn't be used by many cars. **Bulman** also stated that he was concerned design issues for a bridge at 21st and the impact it could have on the bridge recently constructed on 21st over the river due to the grade. If an interchange is added, it appeared that more space would be needed and more homes would be taken.

Bulman then suggested that the motion be amended to recommend first building a bridge at 13th and then a second bridge be considered with 25th to 29th favored according to the current information available. **Cash** agreed that the recommendation needed to be pro-active. **Cash** asked that the motion be amended to recommend a bridge at 13th Street first. The motion passed 9-0.

Bulman (Cash) then moved that an additional recommendation be made for a second bridge to be included in the Capital Improvement Plan (CIP) within the next five-ten (5-10) years with 25th to 29th Street targeted according to current study data. **Miller** added that the City be encouraged to be pro-active in acquiring land in order to accomplish the projects. The motion passed 9-0.

(Council Member Bob Martz arrived at the meeting.)

Johnson stated that he had friends on the east side of the ditch and that he had reminded them that this is a feasibility study, not a design study. He acknowledged Sorenson's concerns but felt that most people who are opposed to a bridge are basing their opinion on emotions and not fact. In addition to the study data showing the need for at least one bridge to alleviate traffic congestion, the projects would contribute to the economy of the City through the construction contracts and the jobs created. He also noted that statements had been made that the bridge project conflicted with the current Comprehensive Plan and the terms "trends" and "conservative" were used to describe the focus or direction established for Wichita-Sedgwick County; **Johnson** pointed out that these terms are not used in the current Comprehensive Plan.

Action: 1) Recommend that a bridge at 13th Street be built first. Motion passed 9-0.
2) Recommend that a second bridge be included in the Capital Improvement Plan within the next 5-10 years, targeting 25th to 29th Street in accordance with the current study data. The motion passed 9-0.
3) Encouragement is given for the City to be proactive in acquiring land in order to accomplish the projects.

8. Northwest Sewer Plant

Council Member Martz explained that Phase I, Site Development of the sewer plant project at 37th Street North and 135th West is underway. The construction building process will open on October 6, 2000. Projected dates include initiating construction on November 1, 2000; completing construction on March 1, 2001; and, opening date on June 2002.

Council Member Martz stated that Kansas Department of Health and Environment is touting the treatment plant as a new standard with walking paths, observation points, a wetland, and community ownership. Community groups will participate in Phase II, Plantings and Wetland. Opportunities to participate in the process will be extended to groups such as area high schools and middle schools, scouts, and others.

David Warren, Water Department Director, and Professional Engineering Consultants will present more information at a future DAB meeting.

Other

9. Board Member Question

Bulman asked if Council Member Martz would clarify the controversy associated with the City Council's action on the entrance for the Willowbend housing development. He stated that he was surprised that the Council would vote to pay for it. **Council Member Martz** stated that the City didn't pay for it. He explained that the special assessments on the existing unsold lots would produce the funding needed as the lots are sold. No assessment would be attached to the presently owned lots. Council Member Martz stated that any project has potential for this situation and the funding approach has been utilized at Bradley Fair, Lark Lane, and others.

Bulman asked if the City would be responsible for maintaining the entrance. Council Member Martz replied that it would not. He further stated that the confusion was the result of the media's poorly written explanation. The consulting legal firm used by the City stated that no illegal aspect is involved in the funding approach. **Bulman** asked if the residents would be billed for the maintenance and **Council Member Martz** responded that he didn't know. He stated that throughout the issue, his biggest concerns were the legality of the method and that no cost would be assessed to the general taxpayers.

10. Thanks

Council Member Martz expressed his thanks for the District Advisory Board's objective approach to the difficult issue of a bridge over the floodway. He said that he was especially grateful the support when the tension increased. He acknowledged that sometimes in life we don't say thanks enough and he just wanted to be sure he expressed it.

Bulman responded that he especially appreciated that Council Member Martz allowed the Board Members to disagree with him on various issues without damaging the process and/or relationships. **Council Member Martz** stated that looking at different viewpoints is what is needed to fully consider an issue—that hearing another perspective challenges him to think through the issue. He stated that he especially liked the comments expressed in support of the City being pro-active on the bridge issue.

He said that in looking ahead, the funding issue would follow when the Council makes the decision. He also reported that he had heard from some District VI residents through phone calls to him or Board Members who expressed support of an additional bridge.

As a follow-up on the mailer that the Wichita Area Builders Association (WABA) sent out, **Council Member Martz** reported that on September 1, he had received a 12% return on the number of cards sent, according to WABA. Of the more than 3,100 responses received, only 29 had stated that they did not want an additional bridge built. More than half had stated support for a 13th Street bridge.

11. Next DAB Meeting

The next meeting will be held on October 16, 2000 at 7:00 p.m., Sedgwick County Extension Building in the 4-H Hall. The City's consulting firm, Black & Veatch, will present an update on the NW Flood Control Study. No business meeting will be held.

The meeting was adjourned at 9:30.

Respectively submitted,

Dana Brown
Neighborhood Assistant, District V